

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

J & J SPORTS PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-1021-D
)	
FRANCISCO SERRANO, individually)	
and d/b/a Club Gallo DE ORO,)	
)	
Defendant.)	

ORDER

On May 8, 2017, the Court denied Plaintiff’s Motion for Default Judgment on the grounds Plaintiff failed to establish necessary facts to support its contention that Defendant was not in military service, and therefore, not exempt from default judgment under the Soldiers’ and Sailors’ Civil Relief Act of 1940. *See* Order, May 8, 2017 at 2-3 [Doc. No. 13]. On May 19, 2017, Plaintiff filed its Second Motion for Default Judgment in which it again asserts Defendant is not in military service. In support of this contention, Plaintiff submits a “TLO report”¹ and a status report from the Department of Defense (“DOD”) Manpower Data Center. In its counsel’s

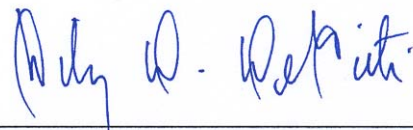
¹ TLO is a division of the credit reporting agency TransUnion that, through its product, “TLOxp,” offers an online database an individual can use to obtain the profile of a person, business or asset. Plaintiff’s counsel states he used the TLO report to obtain Defendant’s date of birth. *See* Pl. Counsel’s Affidavit, ¶ 3 [Doc. No. 15-3].

affidavit in support of default judgment, Plaintiff contends the DOD report “indicat[es] that Francisco Serrano ... is not a servicemember.” *See* Pl. Counsel’s Affidavit, ¶ 3.

This assertion, however, is contradicted by a plain reading of the report. To the contrary, the DOD Manpower Data Center states that “[b]ased on the personal information you provided, there are multiple records; accordingly, *DMDC cannot definitively identify the individual and is unable to release any information.* We strongly recommend in this case that you call the service SCRA for additional verification.” *See* Status Report Pursuant to Servicemembers Civil Relief Act [Doc. No. 15-7] (emphasis added). Below this statement, the DOD adds, “[w]ithout a social security number, the [DOD] Manpower Data Center cannot authoritatively assert that this is the same individual that your query refers to. *Name and date of birth alone do not uniquely identify an individual.*” *See id.* (emphasis added).

Based on the foregoing, the Court finds Plaintiff has failed to cure its prior deficiency in proving Defendant is not in military service. Accordingly, its Second Motion for Default Judgment is **DENIED**.

IT IS SO ORDERED this 30th day of August 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE